

**REMARKS**

This preliminary amendment in combination with the accompanying request for continuing examination is made in response to a final Office Action mailed November 30, 2004.

In the final rejection, the Examiner has maintained the rejection of claims 1-3, 4-9, and 13-15 under 35 U.S.C. 102(b) as being anticipated by U.S. 6,083,761 to Kedar, et al.

In addition, the Examiner has maintained the rejection of claims 4-6, 10-12, and 16 under 35 U.S.C. 103(a) as being unpatentable over Kedar in view of U.S. 4,473,094 to Harris.

Claims 20-25 have also been rejected by the Examiner under 35 U.S.C. 102(b) on the basis of the Kedar reference.

The Examiner has also stated that the claims include phrases such as “for” relate to an intended use and are therefore not given any patentable weight.

In the present amendment, the Applicant has eliminated any use interpretation from the claim language aside from the preamble, which now provides for a well plate seal for a multi-well filtration/extraction plate.

As presently claimed, the matt includes a plurality of matt wells with each matt well having a size and shape conforming to a corresponding plate well size and shape. This structural definition does not include any intended use but merely defines the size and shape up that well.

Correspondingly, the unidirectional flow contact valves have been defined as “pressure sensitive” unidirectional flow contact valves thus eliminating any intended use of language.

It is clear from the study of the Kedar reference that there is no structure corresponding to a well plate seal in accordance with the present invention having a matt with an abutting size and shape.

Therefore, according to the criteria set forth in the Applicant’s earlier response to Office Action for anticipation, the Kedar, et al. reference does not support a rejection of claims 1-3, and 4-9, claims 13-15 being cancelled.

In addition, the rejection of claims 4-6 under 35 U.S.C. 103(a) as being unpatentable over Kedar in view of Harris is also not sustainable.

The Harris reference is relied upon by the Examiner as providing a teaching of a duck-bill valve. However, Harris does not provide any structure similar to that now claimed, which includes a matt with matt wells having size and shape abutting a corresponding well shape size and shape. Accordingly, the Examiner has not made a prima facie case with regard to the rejection of claims 4-6. Claims 10-12 and 16 have been cancelled without prejudice.

In view of the arguments hereinabove set forth and amendment of the claims, it is respectfully submitted that each of the claims now in the application defines patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration of rejections and allowance of the claims pending in the subject application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bella Fishman", written in a cursive style.

Dated: February 22, 2005

Varian, Inc.  
Legal Department  
3120 Hansen Way, D-102  
Palo Alto, CA 94304  
(650) 424-5086  
[bella.fishman@varianinc.com](mailto:bella.fishman@varianinc.com)

Bella Fishman  
Agent for Applicants  
Registration No. 37,485